

To: Jim Moose[JMoose@rmmenvirolaw.com]; John Bezdek[john_bezdek@ios.doi.gov]
Cc: Crothers, Cathy@DWR (Cathy.Crothers@water.ca.gov)[Cathy.Crothers@water.ca.gov]; Ken Bogdan (kenneth.bogdan@water.ca.gov)[kenneth.bogdan@water.ca.gov]; Morrow, Michelle@DWR (Michelle.Morrow@water.ca.gov)[Michelle.Morrow@water.ca.gov]
From: Hagler, Tom
Sent: Tue 1/13/2015 5:05:14 PM
Subject: RE: proposed scope of work for Supplement to BDCP EIR/EIS (CONFIDENTIAL ATTORNEY WORK PRODUCT COMMUNICATION)

Yes, I'm (we) are fine with you giving that as a scope of work to ICF.

I will note that this process is a little "fuzzy" given that we have no formal role in the interaction with the consultants. I think the way we would characterize this set of activities, from the EPA perspective, is that we had some productive discussions with the lead agencies about the EPA comments, and the scope of work is the lead agencies' effort to revise the document/project in advance of the revised EIS. EPA doesn't really have a veto or even a vote as to what the scope says.

Perfectly clear, right?

From: Jim Moose [mailto:JMoose@rmmenvirolaw.com]
Sent: Thursday, January 08, 2015 5:30 PM
To: Hagler, Tom; John Bezdek
Cc: Crothers, Cathy@DWR (Cathy.Crothers@water.ca.gov); Ken Bogdan (kenneth.bogdan@water.ca.gov); Morrow, Michelle@DWR (Michelle.Morrow@water.ca.gov)
Subject: RE: proposed scope of work for Supplement to BDCP EIR/EIS (CONFIDENTIAL ATTORNEY WORK PRODUCT COMMUNICATION)

Tom,

Thanks for the quick response. Just to confirm that I'm understanding you correctly, am I correct that you're okay with us giving this scope of work to ICF? I won't do so without hearing from John too, but I want to be sure I'm understanding you correctly.

Ken is now at DWR as senior counsel, effective last November (2014). His stint at the SWRCB is now over. After having worked at ICF as a consultant on the BDCP EIR/EIS, he decided to move from the State Board over to DWR to work on the BDCP again, albeit in a new capacity.

From: Hagler, Tom [<mailto:Hagler.Tom@epa.gov>]
Sent: Thursday, January 08, 2015 2:51 PM
To: Jim Moose; John Bezdek
Cc: Crothers, Cathy@DWR (Cathy.Crothers@water.ca.gov); Ken Bogdan (kenneth.bogdan@water.ca.gov); Morrow, Michelle@DWR (Michelle.Morrow@water.ca.gov)
Subject: RE: proposed scope of work for Supplement to BDCP EIR/EIS (CONFIDENTIAL ATTORNEY WORK PRODUCT COMMUNICATION)

Thanks Jim.

I think this captures the essence of the concern we raised, and I'm not going to wordsmith it.

As I said in one of our meetings, I know I need to reach out to our HQs folks about their thoughts on climate change analyses in project planning. That continues to be a big issue at the national level. I'll report back on what I find out as this unfolds.

(By the way, where is Ken working these days? Is he back at DWR, as suggested by your address list?)

From: Jim Moose [<mailto:JMoose@rmmenvirolaw.com>]
Sent: Tuesday, January 06, 2015 2:46 PM
To: John Bezdek; Hagler, Tom
Cc: Crothers, Cathy@DWR (Cathy.Crothers@water.ca.gov); Ken Bogdan (kenneth.bogdan@water.ca.gov); Morrow, Michelle@DWR (Michelle.Morrow@water.ca.gov)
Subject: proposed scope of work for Supplement to BDCP EIR/EIS (CONFIDENTIAL ATTORNEY WORK PRODUCT COMMUNICATION)

John and Tom,

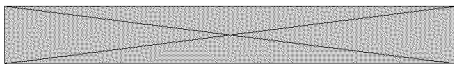
Attached is a proposed scope of work for a discussion of potential future regulatory and operational responses to climate change that might affect the CVP and SWP during the life of the BDCP. I'm sorry it took me so long to get this out to you. The good news is that this document has been thoroughly vetted by DWR's legal staff and climate change specialists, and is acceptable to the Public Water Agencies.

Please let me know what you think by using "track changes" or other means to give me input on how to improve this document from your standpoint. You will see that it is somewhat repetitive in places, but I think that's a relatively small sin, and something that often results when many cooks contribute to a souffle. Of course, if you think that it's perfect without any change, that would be fine too. I look forward to hearing back from you.

Thank you,

Jim Moose

Attorney



REMY | MOOSE | MANLEY LLP

555 Capitol Mall, Suite 800 | Sacramento, CA 95814

P (916) 443-2745 x 225 | F (916) 443-9017

jmoose@rmmenvirolaw.com | www.rmmenvirolaw.com

Please note that my old email address – jmoose@rtmmlaw.com – is no longer operational.

Please also note that, as of March 31st, our new address is 555 Capitol Mall, Suite 800

CONFIDENTIALITY NOTICE: This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

Please consider the environment before printing this email.